

PATENT  
Application No.: 09/891,615  
ATTORNEY DOCKET NO. 013306-08-5003

generic claim was finally held to be allowable. Applicants interpreted the term "species" to refer to a discrete chemical entity and therefore elected in the filed response the compound of formula (1) as the single species and identified claims 1-12, 18, 25, 29-30, 32 and 34 as encompassing the formula (1) elected species.

Applicants received a notice mailed May 5, 2003 indicating that the filed response of March 28, 2003 was deemed non-responsive because Applicants were instead supposed to elect between the "patentably distinct species" of the plant genus *Trichocaulon* and the plant genus *Hoodia*. Applicants hereby elect, without traverse, the plant genus *Hoodia* and identify the claims 1-12, 25, 29-30, 32 and 34 as encompassing *Hoodia* with the understanding that upon allowance of the "generic" claims limited to *Hoodia*, Applicants will also be entitled in this application to consideration of those same claims encompassing *Trichocaulon*.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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